

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAVERICK RECORDING COMPANY, et. al :
Plaintiffs, :
:
- against - :
:
DOES 1-10, :
Defendants. :
-----x

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DOC #:
DATE FILED: JUL 17 2007

07 Civ. 3100 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

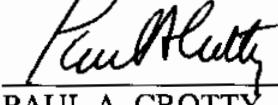
Plaintiffs move for reconsideration of the Court's April 18, 2007 permitting them to take immediate discovery from Time Warner Cable ("Time Warner") as to the true identities of the Doe Defendants. In signing Plaintiffs' proposed order, the Court struck language stating that "disclosure of this information is ordered pursuant to 47 U.S.C. § 551(c)(2)(B)." Plaintiffs now move for reconsideration of that decision on the basis that Time Warner has refused to respond to the subpoena served on it by Plaintiffs because the Court did not order discovery under the Cable Communications Policy Act ("Cable Act"). The Court now denies Plaintiffs motion for reconsideration.

§ 551(c)(2)(B) is neither the source of the Court's authority to order disclosure of cable operator records revealing the identity of subscribers, nor is it a limitation upon that authority. It is an exception to a general prohibition on disclosure of such information by the operators, when the disclosure is "made pursuant to a court order authorizing such disclosure." 47 U.S.C. § 551(c)(2)(B). In short, the Court's order for disclosure of the aforementioned information is not "pursuant to § 551(c)(2)(B)." To the extent that any clarification is necessary, if Time Warner now chooses to comply with the Court's order of April 18, 2007, such disclosure will of necessity made "pursuant to a

court order." Should Time Warner not comply, then Plaintiff may seek enforcement and the Court will consider the putative objections, as well as any request for sanctions that Plaintiff wishes to file.

Dated: New York, New York
July 17, 2007

SO ORDERED


PAUL A. CROTTY
United States District Judge